IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22003 of 2004

Between:

B. Lalithamma W/o Amamathreddy
R/o Gurrambylu Village, Tanakal Mandal, Anantapur District

..... PETITIONER

AND

1 The Revenue Divisional Officer, Penukonda, Ananthapur District
2 The Mandal Revenue Officer, Tanakal Mandal, Anantapur District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly in the nature of Writ of Mandamus declaring that the action of the 1st respondent in suspend the dealership of the petitioner by his proceedings in Rc. No. 1954/04 E, dt 3-11-2004 as illegal, arbitrary, unconstitutional, consequently direct the respondents to restore the authorisation of the petitioner.

Counsel for the Petitioner:MR.R.N.HEMENDRANATH REDDY

Counsel for the Respondents 1and 2: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The authorization of the petitioner was suspended by the 1st respondent through orders dated 03.11.2004. Petitioner contends that the 1st respondent has not chosen to issue any notice before ordering suspension and that it was ordered in exercise of a provision, which has no application to the facts of the case. She seeks appropriate directions to enable her to function as Fair Price Shop Dealer.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

A perusal of the order, dated 03.11.2004, discloses that the 1st respondent has suspended the authorization of the petitioner in alleged exercise of his power under Clause 9 of A.P. State Public Distribution System Control Order, 2001 (for short 'the Control Order'). Clause 9 of the Control Order has absolutely nothing to do with the suspension of dealerships. Obviously, the suspension was the one under Sub-Clause (4) of Clause 5 of the Control Order. There is no other provision dealing with suspension of dealerships. Further, if the suspension is resorted to as a measure of penalty, it has to be preceded by enquiry and notice. In several matters, the appointing authorities have issued notices even for suspending the dealership, pending enquires. It is too early for this Court to take any view on these aspects.

Petitioner had an effective remedy of appeal before the Joint Collector, under Clause 20 of the Control Order. She can avail the same together with an application for grant of stay. The appellate authority would be in a better position to appreciate the matter.

Hence, the writ petition is disposed of leaving it open to the petitioner to avail the

remedy of appeal as well as seek interim orders therein. The appellate authority shall pass appropriate orders, at least, in the application for interim orders, within one week from the date of presentation of such application. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 1st December, 2004

Note: Office to furnish copy

in two days.

(B/o.)

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To

1 The Revenue Divisional Officer, Penukonda, Ananthapur District
2 The Mandal Revenue Officer, Tanakal Mandal, Anantapur District

3 2 CCS to the G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT).

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